

GENERAL CLAIMS

Protocol signed at México June 18, 1932, supplementing convention of June 18, 1932

Entered into force June 18, 1932

*Supplemented by protocol of April 24, 1934*¹

*Superseded April 2, 1942, by convention of November 19, 1941*²

Department of State files

PROTOCOL CONCERNING THE CONVENTION OF THIS DATE EXTENDING THE DURATION OF THE GENERAL CLAIMS COMMISSION PROVIDED FOR IN THE CONVENTION OF SEPTEMBER 8, 1923

J. Reuben Clark, Jr., Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico and Manuel C. Téllez, Secretary of State for Foreign Affairs, duly authorized, have agreed to sign the following Protocol:

In proceeding to the signature of the Convention providing for a further extension of the General Claims Convention (signed September 8, 1923)³ for a period which shall expire two years from the date of the exchange of ratifications of the Convention signed this date,⁴ it is expressly agreed between the two Governments as follows:

1. The two Governments will proceed to an informal discussion of the agrarian claims now pending before the General Claims Commission, with a view to making an adjustment thereof that shall be consistent with the rights and equities of the claimants and the rights and obligations of the Mexican Government. Pending such discussion no agrarian claims will be presented to the Commission for decision, but memorials of cases not yet memorialized may be filed in order to regularize the awards of the Commission made upon the agreed adjustments.

2. The meetings of the General Claims Commission shall be held partly in the City of Mexico, and partly in the City of Washington. The Commission shall, in fixing the place of future meetings pursuant to the terms of Article II of the General Claims Convention, have in mind the convenience,

¹ EAS 57, *post*, p. 1008.

² TS 980, *post*, p. 1059.

³ TS 678, *ante*, p. 935.

⁴ TS 883, *ante*, p. 970.

for the Mexican Government, of hearing in Mexico City the claims against Mexico, and the convenience, for the Government of the United States, of hearing in Washington the claims against the United States.

3. The Presiding Commissioner shall be requested to have the Commission sit continuously, with only short and occasional vacations.

4. The Agents of the respective Governments shall be instructed to amend, with the approval of the Commission, the rules of procedure to the following effect:

A As to the memorializing of claims:

(a) Within one year from the date on which the joint secretariat begins its work, under the renewed Convention, memorials shall be filed on all claims to be memorialized, provided the joint secretariat shall remain open for the filing of memorials for a continuous year from the date on which it opens for work.

(b) At the expiration of said year, claims that have not been memorialized shall be adjudicated by decisions based only on the memoranda filed, and on no other document, it being understood that in each of said cases the defendant Government denies all responsibility upon the facts alleged or arguments made in the various memoranda.

B At the expiration of the year provided for the memorialization of cases, either Agent may ask the Commission to dispose of any case on which a memorial has not been filed.

C With a view to curtailing oral arguments as much as may be possible, having in mind an adequate presentation of the facts and of the principles of law involved in the cases, so as to expedite the work of the Commission, a plan shall be elaborated by which:

(a) General oral arguments shall be curtailed as much as possible, consistent with the due and adequate presentation of the cases;

(b) Oral arguments in cases involving points of law already determined by the Commission, shall be omitted and the case be decided upon the written record, except in those cases in which either Government, through its Agent or otherwise, shall request permission for the making of a further oral argument, and in such an instance the request shall specify the particular points on which oral argument is desired.

D Where there are a group of claims which, as to their facts and as to the points of law involved, are the same, and where one of such cases has been dismissed by the Commission, the two Agents will consult together with a view to having the other claims of the group determined by the Commission, without argument. When the Agents are unable to agree on any given case, either Government may, if it wishes, bring that case directly to the attention

of the other Government with a view to reaching an agreement as to its disposition. If an agreement as to the dismissal of any claim be reached, either by the Agents or by the two Governments, such agreement shall be reported to the Commission with a request that the case be dismissed by the Commission in accordance with the terms of the agreement. The two Governments will request their respective Commissioners to give effect to such agreements by making awards in accordance with the terms of such agreements. If the two Agents are unable to agree, and neither of the two Governments intervenes, or if either or both of the two Governments intervene and are unable to agree, the case shall go before the Commission for decision.

E Where one of a group of claims, that as to their facts and as to the points of law involved are the same, has been decided affirmatively by the Commission, the two Agents will consult together regarding all the other claims of the group, with a view to reaching an agreement as to the amount of the award which should be made in each of such cases. If the Agents are unable, as to any such case, to agree upon an award, either Government may, if it desires, bring such case to the attention of the other Government with a view to reaching an agreement on an award thereon. If an agreement as to an award be reached either by the Agents or by the Governments, such an agreement shall be reported to the Commission with a request that an award be made in such case in consonance with the agreement. The two Governments will request their respective Commissioners to give effect to such agreements by making awards in accordance with the terms of such agreements. If no agreement is reached regarding any case, the case shall then go before the Commission in due course.

Done in duplicate in the City of Mexico in the English and Spanish languages this eighteenth day of June one thousand nine hundred and thirty-two.

J. REUBEN CLARK, JR. [SEAL]

MANUEL C. TÉLLEZ [SEAL]